

JUDGMENT IS HEREBY ENTERED against defendant Gupta and the Gautam Gupta MD d/b/a Nutrition Clinic 401(k) Plan (“Plan”) in accordance with the prayer of the complaint in the above-styled action; and it is

ORDERED, ADJUDGED, AND DECREED that:

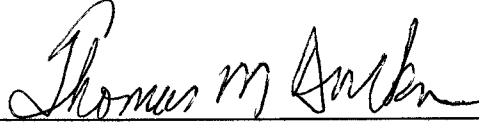
- A. Gupta is removed as a fiduciary of the Plan.
- B. Gupta is permanently enjoined from violating the provisions of Title I of ERISA.
- C. Gupta is permanently enjoined from serving as a fiduciary or a service-provider to any ERISA-covered plan.
- D. LeFoldt & Co., P.A. is appointed as an Independent Fiduciary to the Plan and charged with the administration and termination of the Plan with the following powers, duties, and responsibilities:
 - a. The Independent Fiduciary shall have the responsibility and authority to collect, liquidate, and manage the assets of the Plan for the benefit of the Plan’s eligible participants and beneficiaries for the Plan who are entitled to receive such assets, until such time that the assets of the Plan is distributed to the Plan’s eligible participants and beneficiaries of the Plan;
 - b. The Independent Fiduciary shall exercise reasonable care and diligence to identify and locate each participant and beneficiary of the Plan who is eligible to receive a payment under the terms of this Consent Order and Judgment and to disburse to each such eligible participant or beneficiary the payment to which he or she is entitled;
 - c. The Independent Fiduciary shall have full access to all data, information and calculations in the Plan’s possession or under its control, including

that information contained in the records of the Plan's custodial trustees and other service providers, bearing on the distribution of benefit payments, participant account balances and current plan assets;

- d. The Independent Fiduciary may retain such persons and firms including but not limited to accountants and attorneys, as may be reasonably required to perform his duties hereunder; and
- e. The Independent Fiduciary shall obtain bonding in an amount that meets the requirements of ERISA § 412, 29 U.S.C. § 1112. The costs incurred by the Independent Fiduciary in obtaining such bonding may be paid by the Plan.
- f. The Independent Fiduciary shall provide a final accounting and proof of distribution to plan participants to the Regional Director, Chicago Regional Office, Employee Benefits Security Administration, 230 S. Dearborn St., Suite 2160, Chicago, Illinois 60604.
- g. The Independent Fiduciary shall begin to terminate the Plan immediately. The Independent Fiduciary shall provide notification of its termination plan to James A. Lewis, United States Attorney, 318 S. Sixth St., Springfield, IL 62701.
- E. For the services performed pursuant to this Consent Order and Judgment, the Independent Fiduciary shall receive compensation from the Plan not to exceed \$4,983.00 or fees and expenses reasonably and necessarily incurred in administering and terminating the Plan.
- F. The Secretary is awarded the costs of this action; and

G. The Court retains jurisdiction for purposes of enforcing compliance with the terms of this Default Judgment.

Dated: This 29 day of January, 2013.

A handwritten signature in cursive script, reading "Thomas M. Durkin", written in black ink.

HONORABLE THOMAS M. DURKIN
UNITED STATES DISTRICT COURT JUDGE